

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**JASON FOLTZ,**

**Plaintiff,**

**Case No. 18-13882**

**v.**

**Hon. Denise Page Hood**

**FCA,**

**Defendant.**

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**ORDER DENYING MOTION TO AMEND/CORRECT  
UNDER FED. R. CIV. P. 59(e) (ECF No. 54) and  
GRANTING MOTION TO EXTEND DEADLINE (ECF No. 55)**

On March 29, 2023, the Court entered a Judgment and an Order Granting FCA's Motion for Summary Judgment and Dismissing Action. (ECF Nos. 52, 53). Plaintiff Jason Foltz filed a Motion to Amend/Correct under Fed. R. Civ. P. 59(e) on April 10, 2023. (ECF No. 54). Defendant FCA filed a response. (ECF No. 56)

An amendment of an order after a judgment has been entered is governed by Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) provides that any motion to alter or amend a judgment must be filed no later than 28 days after entry of the judgment. Fed. R. Civ. P. 59(e). Motions to alter or amend judgment may be granted if there is a clear error of law, newly discovered evidence, an intervening change in controlling law

or to prevent manifest injustice. *GenCorp., Inc. v. American Int'l Underwriters*, 178 F.3d 804, 834 (6th Cir. 1999). A motion for reconsideration is not a vehicle to re-hash old arguments, or to proffer new arguments or evidence that the movant could have brought up earlier. *Sault Ste. Marie Tribe v. Engler*, 146 F.3d 367, 374 (6th Cir. 1998)(motions under Fed.R.Civ.P. 59(e) “are aimed at *re* consideration, not initial consideration”)(citing *FDIC v. World Universal Inc.*, 978 F.2d 10, 16 (1st Cir.1992)).

The Court finds that Plaintiff merely presents the same arguments and issues previously ruled upon by the Court, either expressly or by reasonable implication. In its Order, the Court found that Plaintiff failed to show causation for his retaliation claims as to his seniority date, the two written warnings or his suspension. Plaintiff has not shown that the Court clearly erred in entering summary judgment and dismissing his case.

Accordingly,

IT IS ORDERED that Plaintiff Jason Foltz’s Motion to Amend/Correct or Amend/Alter (**ECF No. 54**) is DENIED for the reasons set forth above.

IT IS FURTHER ORDERED that Defendant FCA’s Motion to Extend

Deadline to Respond (**ECF No. 55**) is GRANTED.

DATED: March 28, 2024

S/ DENISE PAGE HOOD  
DENISE PAGE HOOD  
United States District Judge